



September 12, 2018

City of Gearhart Planning Commission
698 Pacific Way
Gearhart, OR 97138

Re: City File #18-005ZMA

Dear Commissioners:

This letter is submitted jointly by Housing Land Advocates (HLA) and the Fair Housing Council of Oregon (FHCO). Both HLA and FHCO are non-profit organizations that advocate for land use policies and practices that ensure an adequate and appropriate supply of affordable housing for all Oregonians. FHCO's interests relate to a jurisdiction's obligation to affirmatively further fair housing. Please include these comments in the record for the above-referenced proposed amendment.

As you may know, all amendments to the Comprehensive Plan Map and Zoning map must comply with the Statewide Planning Goals. ORS 197.175(2)(a). Although the staff report references the Comprehensive Plan and it looks as if changing the zone designation from Rural Agricultural (RA) to Medium Density Residential (R2) will add needed housing on the parcel in question, there is no reference the Goal 10 findings. No reference is made to the impact of the amendment in context of the City's Buildable Lands Inventory or Housing Needs Analysis.

When a decision is made affecting the residential land supply, the City must refer to its Housing Needs Analysis and Buildable Land Inventory (BLI) to show that an adequate number of needed housing units (both housing type and affordability level) will be supported by the residential land supply after enactment of the proposed change.

Even when a proposal increases the residential land supply, the City must show that it is adding needed residential zones. The City must demonstrate that its actions do not leave it with less than adequate residential land supplies in the types, locations, and affordability ranges affected. *See Mulford v. Town of Lakeview*, 36 Or LUBA 715, 731 (1999) (rezoning residential land for



industrial uses); *Gresham v. Fairview*, 3 Or LUBA 219 (same); see also, *Home Builders Assn. of Lane County v. City of Eugene*, 41 Or LUBA 370, 422 (2002) (subjecting Goal 10 inventories to tree and waterway protection zones of indefinite quantities and locations). Only with a complete analysis showing any gain in needed housing as compared to the BLI can housing advocates and planners understand whether the City is achieving its goals through code amendments. The findings at page 7 of the staff report are a start, but the City should examine its HNA and BLI to make adequate Goal 10 findings.

HLA and FHCO urge the Commission to defer adoption of the proposed amendment until adequate Goal 10 findings can be made. Thank you for your consideration. Please provide written notice of your decision to, FHCO, c/o Louise Dix, at 1221 SW Yamhill Street, #305, Portland, OR 97205 and HLA, c/o Jennifer Bragar, at 121 SW Morrison Street, Suite 1850, Portland, OR 97204. Please feel free to email Louise Dix at ldix@fhco.org.

Thank you for your consideration.

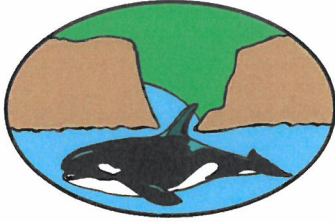
A handwritten signature in black ink that reads "Louise Dix".

Louise Dix
AFFH Specialist
Fair Housing Council of Oregon

A handwritten signature in blue ink that reads "Jennifer Bragar".

Jennifer Bragar
President
Housing Land Advocates

cc: Gordon Howard (gordon.howard@state.or.us)



ORCA: Oregon Coast Alliance
Protecting the Oregon Coast

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Sept. 13, 2018

Planning Commission
City of Gearhart
698 Pacific Way
P.O. Box 2510
Gearhart, OR 97138

Via email: planning@cityofgearhart.com

Re: File #18-005ZMA, Palmberg Rezone of 27 acres from RA, Rural Agricultural to R2, Medium Density Residential

Dear Members of the Gearhart Planning Commission,

Please accept these comments by Oregon Coast Alliance on the proposed Palmberg rezone for 27 acres from Residential Agriculture to Medium Density Residential. The rezone would in practice allow a maximum 45 units, given the wetland and other constraints on the site. ORCA is an Oregon nonprofit corporation whose mission is protection and restoration of coastal natural resources, and working with coastal residents for community livability.

This proposed rezone is very troubling, for several reasons. Briefly, we note the following:

- (a) The Department of Environmental Quality letter of October 2007 notes that “There are localized areas of residual soil contamination in the former operational areas of the site and tax lot 1000...soil excavated or moved on-site during development work must not be placed in proximity to wetlands.” If this property is contaminated enough that the soils transported offsite need to be managed according to regulations for contaminated soils, this is no area for a development project of any kind.
- (b) Clatsop County noted that the existing Residential Agriculture zone is intended as a buffer between higher density zoning to the west and lower density (principally RA-1, including conservation and rural land designations) on unincorporated lands to the east. This proposal is not consistent with that intent.

(See Staff Report, page 3). Even the ultimate design allowing a maximum of 47 attached dwelling units, or perhaps 25 single family units, is too much and too urban in character, for this area. There is no compelling need for housing or further development to change the zoning on this property to an urban residential zone.

- (c) Though the Staff Report (p. 6) discusses the residential Comprehensive Plan policies, the conclusion is remiss. The most relevant policy, #3, says the city “shall allow for needed housing types such as manufactured dwellings, duplexes, multi-family dwellings and residential care facilities and residential homes.” The Staff Report says in several places (e.g., pp. 7-8) that this zone change proposal “provides an opportunity” for development of more affordable housing units. But this is not the applicant’s intent. The conceptual plan shows fairly large lot single-family dwellings. The Sept. 11, 2018 article in the *Daily Astorian* quotes the applicant’s real estate broker as saying that this development fills a “need” for homes in the \$300,000 range. Single-family homes in that price range are not by any stretch of the imagination “affordable housing.” ORCA notes that the applicant’s narrative carefully mentions only the *opportunity* for affordable housing, not any commitment or interest in providing it. This appears to be yet another development in which “affordable housing” is used as the buzzword to gain decision-maker concurrence, with no intent to do other than provide upper range single-family houses as usual.

Conclusion

Given the past uses of this land for a gravel and paving operation, and the presence of contamination as well as extensive wetlands, the best course of action for Gearhart would be to deny this rezone request and enter negotiations with the owners for purchase of the entire 27 acres as a regional park. That would protect the wetlands, prevent any further spread of contaminated soils, buffer the low-density zoning on county-zoned lands to the east, and protect Gearhart’s integrity by not allowing yet more unnecessary high-end housing at the edge of town.

Thank you for the opportunity to testify. Please enter this letter into the record for this matter.

Sincerely,

/s/ Cameron La Follette

Cameron La Follette
Executive Director